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EXAMINER

TORRES, ALICIA M

ART UNIT PAPER NUMBER

3671

DATE MAILED: 03/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/808,702

Applicant(s)

LANCASTER, WILBURN B.

Examiner

Alicia M Torres

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Objections

1. Claims 6-8 are objected to because of the following informalities: “edge the” in line 10 appears to be incomplete. Appropriate correction is required.

Claim 9 is objected to because of the following informalities: “mounting cutting” in line 8 appears to be incomplete. Appropriate correction is required.

DETAILED ACTION

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Ingram.

Regarding claims 1-5, Ingram discloses a lawn mower blade (7) comprising:

a) a carrier (10) with a central hole (20) for direct connection to the drive shaft (4) of a push lawn mower engine or the spindle shaft of a riding mower;

b) the carrier (10) having a top, a bottom and two ends (24) with at least one end (24) having a hole (25);

c) a detachable cutting edge (11) with at least one hole (19);

d) an attachment mechanism (26, 27) that fastens the cutting edge (11) directly to the top or bottom of the carrier (10) through the hole (19) in the cutting edge (11) and the end hole (25)

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of the carrier (10) where the attachment mechanism (26, 27) is removed by access to the bottom of the carrier (10), as per claim 1; and

where the carrier (10) is shaped to protect the attachment mechanism (26, 27), as per claim 2; and

where the cutting edge (11) is shaped to protect the attachment mechanism (26, 27), as per claim 3; and

where the carrier (10) and cutting edge (11) are both shaped to protect the attachment mechanism (26, 27), as per claim 4; and

where the cutting edge (11) has a sharpened leading edge (16) which in operation travels on a cutting plane and where the attachment mechanism (26, 27) is above the cutting plane (see the cutting edge in dotted lines in Figures 4 and 5), as per claim 5.

4. Regarding claim 6, Ingram discloses a lawn mower blade (7) comprising:

a) a carrier (10) with a central hole (20) for direct connection to the drive shaft (4) of a push lawn mower engine or the spindle shaft of a riding mower;

b) the carrier (10) having a top, a bottom and two ends with at least one end (24) having a hole (25);

c) a detachable cutting edge (11) with at least one hole (19);

d) an attachment mechanism (26, 27) that fastens the cutting edge (11) directly to the top or bottom of the carrier (10) through the hole (19) in the cutting edge (11) the end hole (25) of the carrier (10); where the attachment mechanism (26, 27) is removed by access to the bottom of

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the carrier (10); and where the attachment mechanism (26, 27) is protected by the shape of the carrier (10).

5. Regarding claim 7, Ingram discloses a lawn mower blade (7) comprising:

- a) a carrier (10) with a central hole (20) for direct connection to the drive shaft (4) of a push lawn mower engine or the spindle shaft of a riding mower;
- b) the carrier (10) having a top, a bottom and two ends with at least one end (24) having a hole (25);
- c) a detachable cutting edge (11) with at least one hole (19);
- d) an attachment mechanism (26, 27) that fastens the cutting edge (11) directly to the top or bottom of the carrier (10) through the hole (19) in the cutting edge (11) the end hole (25) of the carrier (10); where the attachment mechanism (26, 27) is removed by access to the bottom of the carrier (10); and where the attachment mechanism (26, 27) is protected by the shape of the cutting edge (11).

6. Regarding claim 8, Ingram discloses a lawn mower blade (7) comprising:

- a) a carrier (10) with a central hole (20) for direct connection to the drive shaft (4) of a push lawn mower engine or the spindle shaft of a riding mower;
- b) the carrier (10) having a top, a bottom and two ends with at least one end (24) having a hole (25);
- c) a detachable cutting edge (11) with at least one hole (19);

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d) an attachment mechanism (26, 27) that fastens the cutting edge (11) directly to the top or bottom of the carrier (10) through the hole (19) in the cutting edge (11) the end hole (25) of the carrier (10); where the attachment mechanism (26, 27) is removed by access to the bottom of the carrier (10); and where the attachment mechanism (26, 27) is protected by the shape of the carrier (10) and the shape of the cutting edge (11).

7. Regarding claim 9, Ingram discloses a lawn mower blade (7) comprising:

a) a carrier (10) with a central hole (20) for direct connection to the drive shaft (4) of a push lawn mower engine or the spindle shaft of a riding mower;

b) the carrier (10) having a top, a bottom and two ends with at least one end (24) having a hole (25);

c) a cutting mechanism (11) with at least one hole (19);

d) means (26, 27) for mounting cutting mechanism (11) to the top or bottom of the carrier (10) where the means (26, 27) for mounting transverses the hole (19) in the cutting mechanism (11) and the end hole (25) of the carrier (10); and

e) where the means (26, 27) for mounting is removed by access to the bottom of the carrier (10).

8. Regarding claim 10, Ingram discloses a lawn mower blade (7) comprising:

a) a carrier (10) with a central hole (20) for direct connection to the drive shaft (4) of a push lawn mower engine or the spindle shaft of a riding mower;

b) the carrier (10) having a top, a bottom and two ends with at least one end (24) having a hole (25);

c) a detachable cutting edge (11) with at least one hole (19);

d) means (26, 27) for mounting the detachable cutting edge (11) directly to the top or bottom of the carrier (10) where the means (26, 27) for mounting transverses the hole (19) in the detachable cutting edge (11) and the end hole (25) of the carrier (10); where the means (26, 27) for mounting is protected by the carrier (10).

9. Regarding claim 11, Ingram discloses a lawn mower blade (7) comprising:

a) a carrier (10) with a central hole (20) for direct connection to the drive shaft (4) of a push lawn mower engine or the spindle shaft of a riding mower;

b) the carrier (10) having a top, a bottom and two ends with at least one end (24) having a hole (25);

c) a detachable cutting edge (11) with at least one hole (19);

d) means (26, 27) for mounting the detachable cutting edge (11) directly to the top or bottom of the carrier (10) where the means (26, 27) for mounting transverses the hole (19) in the detachable cutting edge (11) and the end hole (25) of the carrier (10); where the means (26, 27) for mounting is protected by the detachable cutting edge (11).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones.

Jones discloses a lawn mower blade comprising:

a) a carrier (1) with a central hole (not shown) for direct connection to the drive shaft of a push lawn mower engine or the spindle shaft of a riding mower;

b) the carrier (1) having two ends with at least one end having a hole (7, 8) and a slot (9, 10); the slot (9, 10) having an insertion region (10) and a holding region (9);

c) a detachable cutting edge (2) with at least one hole (5, 6) and a T insert (11); the T insert (11) having a neck and a head, the head being wider than the neck;

d) an attachment mechanism (3, 4) that fastens the cutting edge (2) directly to the carrier (1); where the T insert (11) is placed through the insertion region (10) of the slot; where the cutting edge (2) is then slid so that the T insert (11) is in the holding region (9) of the slot and a bolt (3, 4) is placed through the hole (5, 6) in the cutting edge (2) and the end hole (7, 8) of the carrier (1); where a nut (unnumbered) is placed on the bolt (3, 4).

However, Jones fails to disclose where the nut is accessed from the bottom of the carrier.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the nut accessible from the bottom of the carrier since it has been held that a mere reversal of the essential working parts or a device involves only routine skill in the art.

Response to Arguments

12. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

The amendments regarding the protection of the attachment mechanism fail distinguish the invention from the prior art, as the carrier and cutting edge of Ingram inherently protect the stem of the attachment mechanism simply by surrounding the bolt.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

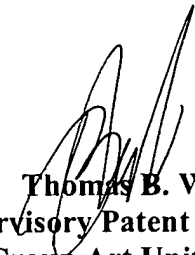
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Torres whose telephone number is 703-305-6953. The examiner can normally be reached Monday through Thursday from 7:00 a.m. – 4:30 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at 703-308-3870.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-1113. The fax number for this Group is 703-872-9306.



Thomas B. Will
Supervisory Patent Examiner
Group Art Unit 3671

AMT
March 7, 2005